HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 26492 of 1998

Date 10.10.2007

Between:
P. Pulla Reddy and others.

.....
PETITIONERS

AND

The Government of A.P. represented
By its Director, Health Department, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.26492 of 1998

ORDER: (per Smt. T.Meena Kumari,J)

The petitioners filed the present writ petition seeking a writ of Certiorari to call for the records relating to and connected with the order dated 25.9.1997 made in O.A. No.4611 of 199 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad and to quash the same.

The brief facts of the case are that by Memo dated 22.8.1994, the 3rd respondent sought to recover the Bad Climate Allowance, which was being paid to the petitioners on the ground that the Head Quarter staff of Leprosy Control Unit, Kothagudem is not within the scheduled area. Challenging the same, the petitioners filed O.A. No. 4611 of 1994 before the Tribunal. The Tribunal, by the order impugned in this writ petition dated 25.9.1997, dismissed the said O.A. Aggrieved, the petitioners filed the present writ petition.

This Court while admitting the writ petition on 21.9.1998 directed the respondents not to recover the amount of bad climate allowance which was paid to the petitioners.

Admittedly, as per G.O. Ms. No. 794, dated 7.8.1969, the Bad Climate Allowance is only paid to such of the employees who are working in the scheduled area of the District. In the instant case, since the head quarters of the petitioners is at Kothagudem, which is not a scheduled area, the petitioners are not entitled for the Bad Climate Allowance.

In view of the fact that the petitioners have been receiving the said

allowance from 16.2.1991 onwards, we do not feel it appropriate to order for recovery of the same at this distance of time. Accordingly, there shall be a direction to the respondents not to recover the amount of bad climate allowance, which was paid to the petitioners, pursuant to the impugned proceedings of the 3rd respondent, dated 22.8.1994.

It is needless to mention that the petitioners shall not claim Bad Climate Allowance in future, if their working area is not a scheduled area. We also make it clear that this order shall not be treated as a precedent for future cases.

The writ petition is accordingly disposed of. No costs.

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(T. MEENA KUMARI,J)

Date: 10th October, 2007

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(G. CHANDRAIAH,J)

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